

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 2, 4-12, 14-17, and 19-28 are pending in the application, with claims 1, 12, 17, and 23 being independent.

### **Non Statutory Double Patenting Rejection**

**Claims 1, 12, 17, and 23** stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 13, and 25 of the co-pending Patent Application Serial No. 10/657,463 to Gadre. Each independent claim of the subject application has been amended. Applicant requests reconsideration and withdrawal of the double patenting rejection in view of the amendments presented herein.

### **§ 103 Rejections**

**Claims 1, 2, 4-12, 14-17, and 19-28** stand rejected under **35 U.S.C. §103(a)** as being obvious over **U.S. Patent No. 6,760,905 (Hostetter et al.)** in view of **U.S. Patent No. 6,018,628 (Stoutamire)**, and further in view of **“Design and Implementation of Generics for the .NET Common Language Runtime” (Kennedy)**. This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting prosecution, independent claims 1, 12, 17, and 23 are amended herein for clarification. Support for the amendments can be found in the original specification at least at page 13, line 12 - page 14 line 17.

**Independent claim 1**, as presently presented, recites:

1. A method of generating common intermediate language code comprising:

writing first object oriented language source code that comprises a definition of a generic class usable in a framework, the first object oriented language source code being associated with a framework developed for use with a predetermined object oriented programming language that compiles source code into non-language-neutral bytecodes;

generating an instance of the generic class;

compiling the instance of the generic class into common intermediate language code executable by a runtime engine; and

receiving a second, different object oriented language source code referencing the generic class defined by the first object oriented language source code.

In the Office Action, the Office argues that claim 1 is obvious over Hostetter in view of Stoutamire, and further in view of Kennedy. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection, claim 1 is amended to clarify that *"the first object oriented language source code being associated with a framework developed for use with a predetermined object oriented programming language that compiles source code into non-language-neutral bytecodes"* and that the second object oriented source code is "different" than the first object oriented source code. The cited references have not been shown to disclose or suggest such features.

According to the Office Action, "it would have been obvious ... to modify Hostetter, using the teachings of Stoutamire, to produce an invention that

efficiently allocates memory ... by using parameterized classes and generating only necessary class instances. Even assuming for the sake of argument that this were true, neither Hostetter et al. nor Stoutamire have been shown to disclose or suggest “writing first object oriented language source code ... associated with a framework developed for use with a predetermined object oriented programming language that compiles source code into non-language-neutral bytecodes” and “receiving a second, different object oriented language source code referencing the generic class defined by the first object oriented language source code,” as presently recited in independent claim 1.

Additionally, the Office Action concedes that “Hostetter/Stoutamire failed to disclose: -receiving second object oriented language source code referencing the generic class defined by the first object oriented language source code.” Kennedy (Office Action, page 6) was cited as allegedly teaching this feature. Kennedy states at page 1, left column, last paragraph, that:

The CLR has the ambitious aim of providing a common type system and intermediate language for executing programs written in a variety of languages, and for facilitating inter-operability between those languages.

However, Kennedy has not been shown to remedy the deficiencies in Hostetter et al. and Stoutamire noted above with respect to independent claim 1. Specifically, Kennedy has not been shown to disclose or suggest “writing first object oriented language source code ... associated with a framework developed for use with a predetermined object oriented programming language that compiles source code into non-language-neutral bytecodes” and “receiving a second, different object oriented language source code referencing the generic class

defined by the first object oriented language source code,” as presently recited in independent claim 1. Therefore, Applicant requests that the Office withdraw the §103(a) rejection of this claim.

**Dependent claims 2 and 4-11** depend from claim 1 and are allowable by virtue if this dependency, as well as for the additional features that each recites.

**Independent claims 12, 17 and 23** are directed to a method, a system, and computer-readable media, respectively, and each is allowable for reasons similar to those discussed above relative to independent claim 1.

**Dependent claims 14-16, 19-22 and 24-28** depend from one of claims 12, 17 and 23, and are allowable by virtue of this dependency, as well as for the additional features that each recites.

### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office’s next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a call to discuss any remaining issues.

Respectfully Submitted,

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